**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CIVIL APPELLATE JURISDICTION.**

**WRIT PETITION NO. 9550 OF 2004**

Mrs. Vijaya Shivanand Aras ..... Petitioner.

versus

Padmakar Kamla Sahani & ors..... Respondents.

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Shri V.C.Ghasalkar for the petitioner.
Shri S.R.Borulkar for the respondent.

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**CORAM ; R.M.S. KHANDEPARKAR, J.**

**DATED; 20TH DECEMBER, 2004.**

**P.C.;**

1. Leave to amend. Amendment to be carried out forthwith.

2. It is not encessary to deal with all the issues raised in this petition, as the learned advocate for the respondent has submtited that since the petitioner is challenging the order passed during the pendency of the appeal, rejecting his application for stay of the decree for eviction, the respondent has no objection if the stay order is set aside and the appellate Bench of the Small Causes Court is directed to dispose of the appeal itself within a time bound programme.

3. Considering the rival contentions in the matter, it

is not necessary to deal with the same in detail as the appeal itself is pending and suffice to direct the appellate Bench to dispose of the appeal after hearing the parties on or before 31st July 2005 and till that time as submitted by the advocate for the respondent, the respondent shall not execute the decree of eviction against the petitioner.

4. In the result, therefore the petition is disposed of by setting aside the impugned order. The appellate Bench of the Small Causes Court is directed to dispose of the appeal in question on or before 31st July 2005 after hearing the parties in accordance with the provisions of law and till that time the respondent shall not execute the decree passed by the trial court. Meanwhile the parties to maintain status quo in relation to the suit premises.

There shall be no order as to costs.

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